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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,137	09/12/2003	David A. Norte	403027-A-01-US (Norte)	7750
34847	7590	07/26/2007		
AVAYA INC. 307 MIDDLETOWN-LINCROFT ROAD ROOM 1N-391 LINCROFT, NJ 07738			EXAMINER LEE, BENNY T	
			ART UNIT 2817	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/661,137	Applicant(s) NORTE ET AL.	
	Examiner Benny Lee	Art Unit 2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 15-18 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6; 7-12; 14 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12 September 2003 & 13 March 2007.

The disclosure is objected to because of the following informalities: Page 3, line 7, note that ~~--of the Invention--~~ should be inserted after **Detailed Description** for an appropriate characterization. Page 4, line 8, note that ~~--frequency--~~ should follow " f_c " for clarity of description. Page 6, line 23, note that "fn.One" should be separated for grammatical correctness. Page 7, line 25, note that ~~--now abandoned--~~ should be inserted after "2002," for clarity of description; line 31, note that "Illustatively" should be correctly spelled as ~~--Illustratively--~~. Note that for the description of the graphs in Figs. 3 & 4, reference labels "w" & " h_g ", a corresponding description of these reference labels need to be provided with respect to these drawing figures. Appropriate correction is required.

The abstract of the disclosure is objected to because in the heading, note that "**th**" and "**Disclosur**" should be correctly spelled as ~~--the--~~ and ~~--Disclosure--~~, respectively. Correction is required. See MPEP § 608.01(b).

The drawings are objected to because in Fig. 1, note that reference labels ~~--124a--~~ & ~~--124b--~~ need to be provided such as to commensurate with the description at page 3, line 10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 6; 7-12; 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 6, 7, 14, note that it is unclear whether the recitation “the capacitor has a resonant frequency” properly characterizes this aspect of the invention. As known to those of ordinary skill in the art, a “resonant frequency” can only exist where an inductance and a capacitance are configured to effect resonance. Accordingly, it is unclear whether the “capacitor” itself can effect resonance. Clarification is needed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nishida or Kumagai et al.

Nishida discloses an apparatus (e.g. see Fig. 1) comprising: a body (i.e. 5) having terminals (i.e. electrodes 6, 7) thereby defining a chip capacitor (i.e. 4) of capacitance value (C0 as seen in Fig. 3); a conductor (i.e. microstrip line 3) has a portion of length (i.e. L) which is “defined” on the body (i.e. by virtue of the body contacting the line (3) and electrically connecting with electrodes (6, 7) to thereby define an inductance (e.g. see column 8, lines 3-5), which in conjunction with the capacitance (C0) defines a parallel resonant circuit (20) with a set resonance frequency.

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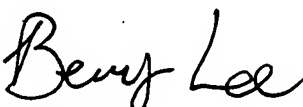
Kumagai et al discloses an apparatus (e.g. see Fig. 1C) comprising: a dielectric body (i.e. multi-layer body 24) having terminals (e.g. metal foil 20) disposed thereon thereby defining a capacitor; a conductor (i.e. coil 40) is "defined on" (i.e. within) the body as to provide a coil structure electrically connected between terminals (20) and thus inherently provides an inductance. Note that the parallel combination of the capacitor and the coil provides a known filter function, which inherently has a resonant frequency.

Claims 1, 2, 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Goldberger et al.

Goldberger et al (FIG. 1) discloses an apparatus comprising: a body (14) with a plurality of terminals (i.e. terminations 16, 18, 20, 22) disposed thereon; an inductor coil (36) is electrically connected to capacitors (38, 40, 42), which are in turn electrically connected to terminations (16, 18) as evident from FIG. 5 to thereby form an parallel LC resonant circuit (as is evident from FIG. 2). Note that as evident from FIG. 8 conductive structures can be formed by metal plating. Moreover, Goldberger discloses that the parallel LC circuit can take the form of various filter circuits including a band reject filter (i.e. BRF) or "notch" filter (e.g. see column 1, line 66 through column 2, line 2).

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 571 272 1764.

B. Lee


BENNY T. LEE
PRIMARY EXAMINER
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